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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,299	12/16/2003	Isaac D. White	BE1-0039US	7666
49584	7590	07/15/2005	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/737,299	WHITE ET AL.	
	Examiner	Art Unit	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

ML

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DETAILED ACTION

1. This is the first office action for Application No. 10/737,299. This application contains 20 claims numbered 1-20.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 6,042,080 to Shepherd et al.

Claims 1 and 2 read on Shepherd et al. as follows: a base (14, 28 for example) adapted for attachment to a surface (surface of a vehicle); at least one segment (30) connected to the base; and, a receptacle (16) attached to a portion of the at least one segment; wherein the attachment surface includes a surface area portion of a service vehicle.

As to claims 3-5, wherein the base includes at least one attachment device (26 for example) structured for attachment of the base to the attachment surface; wherein

Art Unit: 3632

the base can be substantially permanently or removably attached to the attachment surface.

As to claims 6-7 and 18, at least a second segment (34) attached to the at least one segment (30) which includes a substantially stationary segment attached to the base, wherein the segments are structured in a telescoping configuration.

As to claim 8, wherein the cable receptacle includes a generally upwardly open U-shaped configuration.

Claim 19 recites limitations similar to those recited in claims 1, 6 and 8, is therefore also disclosed By Shepherd et al.

Claims 1-8, 9-13 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,709,172 to Brown.

Claims 1 and 2 read on Brown as follows: a base (26, see Fig. 14 for example) adapted for attachment to a surface; at least one segment (408) connected to the base; and a receptacle (14 generally) attached to a portion of the at least one segment; wherein the attachment surface includes a surface area portion of a service vehicle.

As to claims 3-5, wherein the base includes at least one attachment device (416) structured for attachment of the base to the attachment surface (the frame of the trailer); wherein the base can be substantially permanently or removably attached to the attachment surface.

As to claims 6-8 and 18, at least a second segment (406) attached to the at least one segment which includes a substantially stationary segment attached to the base,

wherein the segments are structured in a telescoping configuration and wherein the receptacle includes a generally upwardly open U-shaped configuration (14, 22).

As to claims 9-13, the subject matter of claims 9-13 also appears to show in the base 26 which includes at least one control system selected from the group of processor (34), a wire line medium (48, and digital recorder (33) etc.

As to claims 19-20, claims 19-20 recite limitations similar to those recite in claims 1-3 and 6-9 are therefore also disclosed by Brown.

Claims 1-5, 8-13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 4,309,708 to Sayovitz.

Claims 1 and 2 read on Sayovitz as follows: a base (Fig. 2, base frame (24) rests on the platform) adapted for attachment to a surface by tension means; at least one segment connected to the base; and a receptacle (top, 38) attached to a portion of the at least one segment; wherein the attachment surface includes a surface area portion of a service vehicle.

As to claims 3-5, wherein the base includes at least one attachment device (76 for example) structured for attachment of the base to the attachment surface; wherein the base can be substantially permanently or removably attached to the attachment surface.

As to claims 8 and 18, Sayovitz also shows the receptacle including a generally upwardly open U-shaped and at least one segment includes a substantially stationary segment attached to the base.

As to claims 9-13, the subject matter of claims 9-13 although not shown in Sayovitz' drawings but generally and broadly described on col. 2, lines 34-36.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of US Patent No. 5,101,215 to Creaser, Jr.

Brown teaches substantially as claimed as discussed above except for a hand crank operatively associated with the mechanical drive mechanism:

Creaser, Jr. teaches a telescoping lightweight antenna tower assembly that can be erected or collapsed in a portable and crank manner with stability.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the telescopic lightweight of Creaser, Jr. in place of the telescopic pole of Brown by having the telescopic lightweight of Creaser, Jr. mounted on top of the base 26 in view of the recognition in Creaser, Jr. that provides a lightweight telescopic but structurally strong and stability, particularly for the taller structures for the cameras to survey at a higher elevation.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,158,555 to Brown Jr.

4,748,451 to Edwards

5,113,768 to Brown

6,644,601 to Aussiker

6,206,613 to Elkins

The above patents disclose various types of collapsible pole, stand or the like.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
July 7, 2005.



ANITA KING
PRIMARY EXAMINER